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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	07 Civ. 4651 (SHS)
-against-	:	
	:	
WILLIAM WRIGHT, 310 WEST 56th STREET	:	
CORPORATION, BAYVIEW LOAN	:	
SERVICING LLC, NEW YORK STATE	:	
DEPARTMENT OF TAXATION AND	:	
FINANCE, AMERICAN EXPRESS CENTURION	:	
BANK, NEW YORK CITY DEPARTMENT OF	:	
FINANCE, and JOHN DOES 1-10,	:	
	:	
Defendants.	:	
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PLAINTIFF'S LOCAL RULE 56.1 STATEMENT

Pursuant to Civil Rule 56.1 of the Local Rules of the United States District Court for the Southern District of New York, plaintiff United States of America, states that there is no genuine issue to be tried with respect to the following material facts:

1. Defendant William Wright ("Wright") is an attorney who practices law in an office located at 250 West 57th Street, Suite 814, New York, NY 10107. *See* Declaration of Carolyn Fields, dated May 30, 2008 ("Fields Decl."), ¶ 20.

2. The IRS made assessments against Wright for deficiencies in the payment of his federal income taxes for each of the Subject Tax Years. *See id.* ¶¶ 2-13 and Exs. 1-10 (Forms 4340 for the Subject Tax Years).

3. All of the tax assessments for the Subject Tax Years are based on the income reported by Wright himself on his federal income tax returns for the Subject Tax Years. *Id.* at ¶ 13.

4. The date and amount of the deficiency assessments reflected in the Forms 4340 referenced in paragraph 2 above, including the balances reflecting assessed interest and penalties, are shown in the chart below:

Tax Year	Date of Initial Assessment	Amount of Deficiency Assessment	Assessed Balance
1996	06/02/1997	\$9,564.00	\$10,282.54
1997	06/01/1998	\$10,759.00	\$11,550.44
1998	05/31/1999	\$20,190.00	\$22,765.05
1999	05/29/2000	\$39,495.53	\$41,344.81
2000	05/28/2001	\$32,277.00	\$35,501.28
2001	08/19/2002	\$26,893.00	\$28,830.19
2002	06/02/2003	\$25,851.00	\$27,287.65
2003	05/31/2004	\$21,201.00	\$22,016.02
2004	06/06/2005	\$10,837.00	\$11,292.74
2005	05/22/2006	\$15,576.00	\$16,372.67

5. The “Assessed Balance” figure can be found on the last page of the Form 4340 for each tax year. *See* Fields Decl. at 3 n.1. This figure represents the balance of all assessment and payment transactions that have been posted to Wright’s account as of April 19, 2007. *Id.*

6. The assessed balances reflected in these Form 4340s do not reflect continuing accruals of statutory interest over time, as the IRS does not update its interest assessments on Forms 4340 in excess of the payments made by the taxpayer. As a result, Wright’s total current tax liabilities for the tax years 1996 through 2005 exceed the balances reported in the referenced Forms 4340. *Id.*

7. Notwithstanding that the IRS issued notices of assessment and demand for payment, Wright failed to pay the total amount of his tax liabilities for the Subject Tax Years. *See id.* ¶ 13 and Exh. A at US 3, 6-7, 11-12, 15-16, 20-21, 25, 29, 33, 36-37, and 40.

8. Except for involuntary payments, Wright has not made any payments toward his federal tax liabilities since 1991, including his tax liability for the tax years 1996 through 2005. *See id.* ¶ 15; *see, e.g., id.* at Exh A at US 19 (\$500 tax relief withheld) and US 28 (\$400 refundable credit).

9. The IRS was only able to collect a total of \$6,695.07 from all levies to date with respect to Wright's tax liabilities for tax years going back to 1992. *Id.* ¶15.

10. Notwithstanding repeated attempts to collect these tax liabilities, the IRS has been unable to collect the assessed amounts from Wright. *See id.*

11. For each tax year deficiency, the IRS timely filed tax liens in New York County, New York (collectively, the "Tax Liens"). *See id.* ¶ 14 and Exh. A at US 2-3, 6-7, 10-11, 15-16, 19-20, 24, 28-29, 32, 36, and 40; *see also id.* Exh. B (copies of liens).

12. As of June 9, 2008, Wright owes a total of \$401,608.62 in unpaid federal tax liability for the Subject Tax Years (inclusive of statutory interest and other additions), as follows: \$24,723.06 for Tax Year 1996; \$25,668.10 for Tax Year 1997; \$47,103.52 for Tax Year 1998; \$79,537.97 for Tax Year 1999; \$60,910.78 for Tax Year 2000; \$47,364.02 for Tax Year 2001; \$42,831.78 for Tax Year 2002; \$33,969.44 for Tax Year 2003; \$16,695.73 for Tax Year 2004; and \$22,804.22 for Tax Year 2005. *Id.* ¶ 16 and Exh. C.

13. Statutory interest and additions will continue to accrue on the amounts listed in the preceding paragraph until the liabilities are satisfied. *Id.* ¶ 17.

14. Wright currently resides at 310 West 56th Street, Apartment 14A, New York, New York 10019, a cooperative building corporation. *See* Comp. ¶ 5; *see also* Wright's Ans. ¶ 5.

15. Wright and his spouse or former spouse, Marilyn Wright, jointly purchased Apartment 14A, 310 West 56th Street, New York, New York, on or about June 10, 1982, for \$100,000. *See* Comp. ¶ 26; *see also* Wright's Ans. ¶ 26; Pantoja Decl. Exh. A.

16. Wright is currently the sole owner of 181 shares of stock in defendant 310 West 56th Street Corporation ("310 Corporation") and the sole holder of the proprietary lease appurtenant to cooperative apartment 14A. *See* Comp. ¶ 27; *see also* Wright Ans. ¶ 27; 310 Corporation Ans. ¶ 2; Pantoja Decl. Exhs. D and G; Pantoja Decl. Exh. H (Proprietary Lease) and Exh. K (310 Corporation's responses to plaintiff's interrogatories) at 3.

17. In his 2004 and 2005 federal tax returns, Wright filed as "head of household," listing two teenagers as dependents. *See* Fields Decl. ¶ 18.

18. Wright's 181 shares of stock in 310 Corporation represent an interest in Apartment 14A, to which Wright also holds a proprietary lease (all of Wright's rights, title, and interest in 310 Corporation and the apartment to which he holds a lease shall be referred to collectively as the "Apartment"). *See* Comp. ¶ 5; *see also* Wright's Ans. ¶ 5; 310 Corporation's Ans. ¶ 2; Pantoja Decl. Exh. H (copy of Proprietary Lease (hereinafter, "Lease")).

19. The fair market value of the Apartment was approximately \$650,000 as of March, 2007. *See* Fields Decl. ¶ 19.

20. Defendant Bayview Loan Servicing LLC ("Bayview") holds a mortgage on the Apartment. *See* Comp. ¶ 7; *see also* Bayview's Answer at ¶ 7; Wright's Ans. ¶ 7.

21. Wright's purchase of the Apartment was originally financed through Empire of America Federal Savings Bank ("Empire"), and Wright pledged his shares in 310 Corporation to Empire as security for the loan. *See* Pantoja Decl. Exh. E.

22. Bayview is Empire's successor-in-interest with respect to the original Empire loan to Wright, the principal balance of which was approximately \$55,000 in May, 2007. *See* Pantoja Decl. ¶ 10 and Exh. I.

23. Bayview currently holds, as security for the referenced loan only, the original certificate of ownership issued to Wright in connection with the 181 shares of 310 Corporation corresponding to the Apartment. *See* Pantoja Decl. ¶¶ 7 and 10 and Exhs. E, F and I.

By submitting this statement, plaintiff does not waive its right to contend that any of the above-referenced facts are not material to the present action.

Dated: New York, NY
May 30, 2008

Respectfully submitted,

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Attorney for Plaintiff

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